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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/931,358	08/16/2001	Russell Charles Dodd	8677	3584

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EXAMINER

BUCHANAN, CHRISTOPHER R

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 04/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/931,358

Applicant(s)

DODD, RUSSELL CHARLES

Examiner

Christopher R Buchanan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roberts et al. alone.

With regard to claim 1, Roberts discloses a method that includes the steps of providing an interface to a customer (120, Fig. 1, col. 1 line 7+), receiving customer identification information through the interface (see Fig. 3, col. 2 line 33+), receiving from the customer an indication of purchase interest in a product (see abstract) selected from a plurality of products made known to the customer through the interface (see Fig. 2, 330, Fig. 3, col. 1 line 36+), accessing customer information from a pre-existing database (340, Fig. 3), and providing customized product information regarding the product of interest to the customer via the interface based on the known customer information (see Fig. 4, col. 2 line 42+). Roberts does not explicitly state that the interface can be provided to a plurality of customers, however, it is well known that such an interface can be provided to a plurality of customers and it would be obvious to one skilled in the art to do so. With regard to claims 2-4, the interface is a graphical interface (120, Fig. 1) provided on a programmable computer (110) via the world wide

web (140, col. 1 line 6+). With regard to claim 5, the indication of purchase interest is made through use of representative icons (see Figs. 2, 5, and 6, this is well-known in the field). With regard to claim 6, the database includes sales information regarding the customer (col. 4 line 33+). With regard to claim 7, customized information is provided to the customer using a pre-programmed relational database (col. 6 line 44+, col. 7 line 1+). With regard to claims 8-10, the product information is provided based on customer specific characteristics (col. 4 line 33+) and includes sales projections (col. 6 line 44+).

3. Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roberts et al. alone.

With regard to claim 11, Roberts discloses a system provided through machine readable instructions resident on a machine readable format (see abstract, Fig. 1) that includes an interface for a customer (120, Fig. 1, col. 1 line 7+), a customer information database containing information records regarding the customer (170, Fig. 1, see Fig. 3, col. 1 line 63+), a product information database containing information records regarding the products (440, Fig. 4, col. 1 line 36+, this is well known), and customized information about certain products provided to the customer using a customization algorithm that associates information in a customer database with information in a product database (col. 6 line 44+, col. 7 line 1+). Roberts does not explicitly state that the interface can be provided to a plurality of customers, however, it is well known that such an interface can be provided to a plurality of customers and it would be obvious to one skilled in the art to do so. With regard to claim 12, the customization algorithm

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contains instructions sufficient to arrive at results not previously contained in either the customer or product information databases (col. 6 line 44+, col. 7 line 1+, this is common practice in the field). With regard to claim 13, the interface is a graphical interface (120, Fig. 1) that can display the results of the customization algorithm.

Response to Arguments

4. Applicant's arguments filed February 14, 2003 have been fully considered but they are not persuasive. Applicant argues that the invention of Roberts et al. is directed to purchases of services by consumers, while the instant invention is directed to purchases of goods by a customer which is not the consumer. Roberts, however, states that the system can be used to purchase products (goods), as well as services (abstract, see Figs. 2 & 4). It would be obvious to one skilled in the art that the customer purchasing the goods could play a variety of roles (consumer of goods, reseller of goods, transporter of goods, etc.). Furthermore, it is common practice and well-known for a purchaser of goods to resell the goods, for example, a restaurant buying produce and selling prepared food to patrons or one roommate buying groceries and getting reimbursed for certain items requested by a particular roommate.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R Buchanan whose telephone number is 703-306-5782. The examiner can normally be reached on M-T 9-7.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on 703-308-5183. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

CRB

Christopher Buchanan
March 31, 2003


Kenneth R. Rice
Primary Examiner